

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL ACTION NO. 2:18-cv-00485

ONE 2009 CHEVROLET TAHOE LTZ  
SPORTS UTILITY VEHICLE,

Defendant.

(Leonard S. Roberts II,  
Criminal No. 2:18-cr-00004)

VERIFIED COMPLAINT OF FORFEITURE

Comes now the United States of America, by and through its attorneys, Michael B. Stuart, United States Attorney for the Southern District of West Virginia, and John J. Frail, Assistant United States Attorney for the Southern District of West Virginia, and respectfully states as follows:

NATURE OF THE ACTION

1. This is a civil action in rem brought on behalf of the United States of America, pursuant to 18 U.S.C. § 983(a), to enforce the provisions of 21 U.S.C. § 881(a)(4) for the forfeiture of a conveyance which was used or intended to be used in any manner or

part to commit or to facilitate the commission of, one or more violations of the Controlled Substances Act, 21 U.S.C. §§ 801 et seq.

**THE DEFENDANT IN REM**

2. The defendant property is more particularly identified as one 2009 Chevrolet Tahoe LTZ Sport Utility Vehicle, maroon in color, VIN 1GNFK332X9R260201 (CATS No. 18-DEA-635941), seized on or about September 6, 2017, from the possession of Leonard S. Roberts II at 688 Gordon Drive, Charleston, West Virginia. The vehicle is registered with the West Virginia Division of Motor Vehicles in the name of Leonard S. Roberts II, 206 Crossroads Vlg. Dr., Nitro, West Virginia, 25143.

3. The vehicle presently has an NADA<sup>1</sup> clean trade-in value of \$17,800. There are no liens of record against the vehicle.

4. The vehicle is presently in custody of the U.S. Marshal Service in Pittsburgh, Pennsylvania, reference CATS No. 18-DEA-635941.

**JURISDICTION AND VENUE**

5. Plaintiff, United States of America, brings this action in rem in its own right to forfeit and condemn the defendant property. This Court has jurisdiction over an action commenced by the United

---

<sup>1</sup>National Automobile Dealers Association.

States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

6. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred in this district.

7. Upon the filing of this verified complaint, the plaintiff requests that the Clerk of this Court issue an arrest warrant in rem pursuant to Supplemental Rule G(3)(b)(i), which the plaintiff will execute upon the seized personal property in custody of the United States Marshal Service, pursuant to Supplemental Rule G(3)(c).

#### **BASIS FOR FORFEITURE**

8. The defendant property is subject to forfeiture to the United States pursuant to 21 U.S.C. § 881(a)(4) because it was used or intended to be used, to transport, or in any manner to facilitate the transportation, sale, receipt, possession and concealment of controlled substances.

#### **FACTS**

9. The facts giving rise to the forfeitability of the defendant vehicle are as follows:

a. In August 2017, the Drug Enforcement Administration (DEA) in Charleston, West Virginia, in conjunction with the Kanawha County Sheriff's Office received information regarding the drug

activities of Leonard S. Roberts II, who was selling pound quantities of methamphetamine in the Charleston metro area.

b. In August 2017, DEA initiated an investigation on the Leonard S. Roberts II drug trafficking organization (DTO). During the investigation, it was identified that Leonard S. Roberts II and members of his DTO were conducting wire transfers to members of a source of supply organization resulting in the shipment of methamphetamine utilizing UPS packages to be delivered to Charleston, West Virginia. The investigation identified Leonard S. Roberts II as being the subject of several narcotics investigations dating back to August 2016.

c. On August 16, 2017, agents of the Kanawha County Sheriffs STOP Team and agents from the DEA Charleston District Office utilized a confidential source (CS) to conduct a controlled narcotics purchase of crystal methamphetamine from Leonard S. Roberts. Leonard Roberts utilized his 2009 Chevrolet Tahoe LTZ (CATS No. 18-DEA-635941) to meet the CS and sold the CS approximately 4 ounces of crystal methamphetamine.

d. On September 21, 2017, a Kanawha County Sheriff's Office confidential informant, hereafter referred to as CI, received information that a UPS package containing methamphetamine was destined to Charleston, West Virginia, and would be picked up at the



UPS Store located at 5312 MacCorkle Avenue, SW, Charleston, West Virginia. Surveillance followed the vehicle to the residence of Leonard S. Roberts, located at 688 Gordon Drive, Charleston, West Virginia. At this time, a CI entered Robert's residence located at 688 Gordon Drive, and was given an amount of methamphetamine as "fronted drugs" from Roberts. The CI departed the residence and later met with the investigators at a pre-determined location for debriefing. At this time, DEA agents retrieved the methamphetamine from the CI and processed it as evidence.

e. On September 22, 2017, the CI met with Roberts at the Cold Spot, located in Cross Lanes, West Virginia, for the purpose of the CI to re-pay Roberts for the "fronted drugs." The CI provided Roberts with approximately \$1,650 of pre-recorded buy money as payment for the drugs that Roberts fronted to the CI on September 21, 2017. Roberts traveled to the Cold Spot to meet the CI in his 2009 Chevrolet Tahoe (CATS No. 18-DEA-635941).

f. Janice Roberts, Leonard Roberts' daughter, was interviewed and gave a Mirandized statement after a search warrant was executed at the Gordon Drive residence on October 19, 2017. Janice Roberts stated that her father, Leonard Roberts II, had been selling drugs since his arrival in West Virginia in 2015. Ms. Roberts further stated that Leonard Roberts II had purchased the

2009 Chevrolet Tahoe, as well as other vehicles, with drug proceeds.

g. The vehicles were purchased during the time period that the narcotics investigations were being conducted on Leonard Roberts II by DEA, the Kanawha County Sheriff's Department and the Metropolitan Drug Enforcement Network Team (MDENT) in the Charleston, West Virginia, area between April and October, 2017.

h. On January 17, 2018, a federal grand jury sitting in the Southern District of West Virginia at Charleston returned a seven-count indictment against Leonard Roberts II, and five other defendants charging conspiracy to distribute 500 grams or more of methamphetamine and other controlled substance violations. Leonard Roberts II was charged in six counts of the Indictment with conspiracy to distribute 500 grams or more of methamphetamine, distribution, attempted possession with intent to distribute and possession with intent to distribute methamphetamine between April and October, 2017. United States v. Leonard Roberts II, et al., Criminal No. 2:18-cr-00004 (ECF 1).


i. During a post-arrest statement, Leonard Roberts II admitted his involvement in the distribution of methamphetamine and his lack of employment history in the Southern District of West Virginia during the relevant period.

j. For the foregoing reasons, the defendant vehicle is forfeitable to the United States, pursuant to 21 U.S.C. § 881(a)(4), as a conveyance that was used or intended to be used to transport or to facilitate the transportation, sale, receipt, possession or concealment of controlled substances, specifically methamphetamine, a Schedule II controlled substance.

WHEREFORE, the United States prays that process of warrant in rem issue for the arrest of the defendant vehicle; that due notice be given to all parties to appear and show cause why the forfeiture should not be decreed; that judgment be entered declaring the defendant vehicle be forfeited to the United States for disposition according to law; and that the United States be granted such other relief as this Court may deem just and proper, together with the costs and disbursements of this action.

Respectfully submitted,

MICHAEL B. STUART  
United States Attorney

By: s/John J. Frail   
JOHN J. FRAIL  
Assistant United States Attorney  
WV State Bar No. 1265  
300 Virginia Street, East  
Room 4000  
Charleston, WV 25301  
Telephone: 304-345-2200  
Fax: 304-347-5104  
E-mail: [john.frail@usdoj.gov](mailto:john.frail@usdoj.gov)



**VERIFICATION**

STATE OF WEST VIRGINIA

COUNTY OF KANAWHA, TO-WIT:

I, Brian I. Roscoe, Drug Enforcement Administration, declare under penalty of perjury as provided by 28 U.S.C. § 1746, the following:

That the foregoing Complaint for Forfeiture in rem is based upon reports and information I have gathered and which have been provided to me by various law enforcement personnel, and that everything contained therein is true and correct to the best of my knowledge and belief, except where stated to be upon information and belief, in which case I believe it to be true.

Executed on March 26, 2018.

  
BRIAN I. ROSCOE

Taken, subscribed and sworn to before me this 26<sup>th</sup> day of March, 2018.

  
Notary Public

My commission expires on March 30, 2024





JS 44 (Rev. 06/17)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
John J. Fraill, Assistant United States Attorney  
P.O. Box 1713, Charleston, WV 25326 (304)345-2200

**DEFENDANTS**

County of Residence of First Listed Defendant **KANAWHA**  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
			<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

21 U.S.C. 881(a)(6)

Brief description of cause:

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

**DEMAND \$**

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☐ Yes ☒ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

03/26/2018

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE